

REMARKS

The Examiner's Office Action of May 17, 2004 has been received and its contents reviewed. Applicants would like to thank the Examiner for the consideration given to the above-identified application.

By the above actions, claims 60-83 have been added. Claims 1-14 and 31 have previously been withdrawn, and claims 15-30 and 56-59 have previously been cancelled. Accordingly, claims 32-55 and 60-83 are pending for consideration, of which claims 32, 38, 44, 50, 60, 66, 72 and 78 are independent. In view of these actions and the following remarks, reconsideration of this application is now requested.

Referring now to the detailed Office Action, claims 32-55 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 7, 8, 9, 15, 16, 17, 19, 23, 25, 27, 37, 42, 44, 46, 57, 64 and 66 of U.S. Patent No. 6,474,887 B1 (Yamazaki et al. – hereafter Yamazaki '887). The Examiner contends that the insulating film on the gate electrode and the pair of side walls is equivalent to the feature wherein the first impurity region is in contact with the channel region and the insulating film. In response to the Examiner's rejection, Applicants respectfully assert that the insulating film on the gate electrode and the pair of side walls of the presently claimed invention is not equivalent to "wherein the first impurity region is in contact with the channel region and the insulating film" of Yamazaki '887 as explained below.

In the Yamazaki '877 patent, FIG. 1 shows the first impurity region 103 is in contact with the channel region 102 and the insulating film 106. On the other hand, in the subject application, FIG. 1 shows the insulating film 108 on the gate electrode 107 and the pair of sidewalls 109. Therefore, contrary to the Examiner's assertion, the insulating film on the gate electrode and the pair of side walls is not equivalent to wherein the first impurity region is in contact with the channel region and the insulating film.

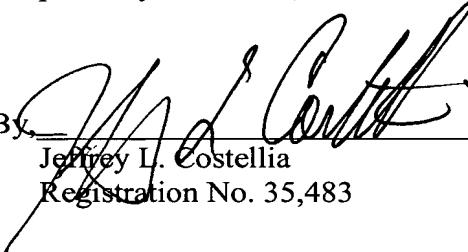
Accordingly, Applicants respectfully submit that claims 32-55 of the subject application are patentably distinct from the aforementioned claims of the Yamazaki '887 patent.

New claims 60-83 have been added to further complete the scope to which Applicants are entitled. Support for the new claims can be found at least in, e.g., Fig. 16 and Fig. 22E, for example, and their respective description in the specification.

In view of the amendments and arguments set forth above, Applicants respectfully request reconsideration and withdrawal of the pending double patenting rejection.

While the present application is now believed to be in condition for allowance, should the Examiner find some issue to remain unresolved, or should any new issues arise, which could be eliminated through discussions with Applicant's representative, then the Examiner is invited to contact the undersigned by telephone in order that the further prosecution of this application can thereby be expedited.

Respectfully submitted,

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